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FM AMEMBASSY BEIRUT

TO RUEHC/SECSTATE WASHDC IMMEDIATE 2980

INFO RUEHEE/ARAB LEAGUE COLLECTIVE PRIORITY

RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY

RHMFIS/CDR USCENTCOM MACDILL AFB FL PRIORITY

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C O N F I D E N T I A L SECTION 01 OF 02 BEIRUT 001106

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NSC FOR ABRAMS/DORAN/WERNER/SINGH

E.O. 12958: DECL: 04/10/2016

TAGS: KDEM LE PGOV PHUM PREL

SUBJECT: MGLE01: FREEDOM OF EXPRESSION CASE IN LEBANON

DRAWS INTEREST

Classified By: Ambassador Jeffrey Feltman. Reason: Section 1.4 (b).

¶11. (C) Summary: Lebanon's Office of the Military Justice will hear a case on April 17 to determine if a reformist attorney is guilty of "defaming the institution of the military" when he made statements before the European Commission in November 2003. In the opinion of the Ministry of Foreign Affairs and the Ministry of Defense, those statements violated Lebanese law and a case was brought against Dr. Muhamad Mugraby. Embassy Beirut met with both Dr. Mugraby and Dr. Jean Fahed, Attorney General for the Office of Military Justice, to determine the facts of the situation. Dr. Mugraby is keen on having his case heard because he feels it will focus needed attention on Lebanese laws that do not comply with basic human rights, specifically as enunciated by the United Nations Declaration of Human Rights (1947), of which Lebanon is a signatory. Dr. Fahed, on the other hand, insists his office has tried in vain to dismiss the case administratively, but Dr. Mugraby has kept the process alive by not cooperating with standard military court procedures. The Ambassador has communicated with Minister of Justice Charles Rizk to express his concern over both the case and its underlying law, which was implemented during the period when Syrian security forces controlled Lebanon's judiciary and heavily influenced its parliament. The Embassy will also send an officer to the normally closed April 17 hearing of the military tribunal and will report any decision to the Department. End summary.

¶12. (C) Dr. Muhamad Mugraby, a U.S. educated attorney who has practiced law for several decades in Beirut, gave testimony to the European Union's Parliamentary Foreign Affairs Committee on November 4, 2003 in which he criticized Lebanon's military establishment, the government's control of the media, and conditions in the state's prison system. Lebanon at that time was under the effective control of the Syrian regime. The criticism leveled by Dr. Mugraby against that regime was accurate and well justified.

¶13. (C) On the following day, November 5, 2003, Lebanon's chief diplomatic envoy in Brussels reported the testimony of Dr. Mugraby to his superiors in the Ministry of Foreign Affairs. Embassy Beirut has not been able to obtain all the documentation, but it appears the report slowly made its way through the ministry and was eventually referred to the Ministry of Defense. As Lebanon was undergoing the Cedar Revolution and holding its first parliamentary elections in May-June 2005 -- after the departure of the Syrian troops but before the Siniora government was formed in July 2005 -- the Office of Military Justice decided in June 2005 to bring charges against Dr. Mugraby for "defaming the institution of the military and its officers" based upon his testimony

before the EU committee.

¶4. (C) According to Dr. Fahed, Attorney General of the Office of Military Justice, his office has been trying quietly to dismiss the "troublesome case" for the last few months. He stated, without providing documentation, that he had been instructed by the Minister of Defense to administratively close the file, but claimed the defendant, Dr. Mugraby, was intent on being brought to trial and had not cooperated in the formalities needed to dismiss the case. Dr. Fahed stated that he was exasperated by the whole affair, but as an officer of the court he is required to follow procedure. He confided to emboff that the Mugraby case in all likelihood would be dismissed at the formal April 17 hearing.

¶5. (C) Dr. Mugraby, on the other hand, insisted that the Office of Military Justice has vindictively prosecuted him for years, and their behavior has changed little since the departure of the Syrian security regime from Lebanon. He also argued that irrespective of the intentions of the Office of the Military Justice, it was critically important to shed light on the undemocratic and illegal statutes that still remained in Lebanon's penal code. Dr. Mugraby stated he was very much looking forward to his day in court.

¶6. (C) Embassy Beirut strongly concurs that Lebanon's laws require a thorough review and revision where necessary to remove the vestiges of the repressive Syrian period. This case, however, may not be the vehicle to publicly take the government to task. We agree that the charges against Dr. Mugraby are without grounds and run counter to the principles of human rights that the government of Lebanon should be protecting and that action is required.

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¶7. (C) Consequently, the Ambassador has communicated with Minister of Justice Charles Rizk and informed him of USG concern over the inappropriateness and injustice of this case. The minister was also informed that the Embassy would be monitoring its outcome and would then determine if additional action is required. The Embassy has obtained permission to send an officer to what is normally a closed session of the Military Tribunal on April 17, and will report its decision to the Department for possible further consideration.

FELTMAN